

Containers

(40 CFR Parts 264/265, Subpart I; §261.7)

RESIDUES FROM EMPTY CONTAINERS

Residues remaining in a RCRA empty container are exempt from Subtitle C regulation. Residues removed from a container that is not RCRA empty or that result from rendering a container empty are fully subject to Subtitle C. Whether residues or rinsate from an empty container that exhibits a characteristic of hazardous waste are exempt or regulated is currently under review by EPA.

3.2 SPECIAL ISSUES: AEROSOL CANS

A recurring issue within the container and empty container regulations is the puncturing or venting of aerosol cans. The issue stems partly from the applicability of the empty container regulations to aerosol cans and partly from the issue of whether the can itself is considered to be part of the waste.

In general, aerosol cans are capable of holding either compressed gas or liquid. If the can is sent for scrap metal recycling, the can and its contents are exempt from regulation as scrap metal per §261.6(a)(3)(iii).

The act of emptying the can may be an exempt recycling activity per §261.6(c), and any residues from emptying the can would be regulated if they are listed or exhibit a characteristic of hazardous waste.

If the can is sent for disposal, both the contents of the can and the can itself are subject to regulation. To dispose of the aerosol can as nonhazardous, the can must be RCRA empty according to §261.7, and the can itself must not qualify as a hazardous waste.

If the aerosol can is holding a compressed gas, it is unclear whether the act of venting to render the can empty would constitute treatment.

This question must be answered by the appropriate EPA Region or authorized state.